

EXHIBIT C

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CITY OF CLEARLAKE
(erroneously named herein as CLEARLAKE POLICE DEPARTMENT)

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DAVID DAVIS and PAGE GEARHART-DAVIS
PRO-SE,

Plaintiffs,

vs.

CLEARLAKE POLICE DEPARTMENT,

Defendants.

Case No. C 07-03365 EDL

DEFENDANT CITY OF
CLEARLAKE'S
SUPPLEMENTAL RESPONSE TO
PLAINTIFFS' REQUEST FOR
PRODUCTION OF DOCUMENTS,
AND DOCUMENTS PRODUCED

PROPOUNDING PARTIES: Plaintiffs DAVID DAVIS and PAGE GEARHART-DAVIS

RESPONDING PARTY: Defendant CITY OF CLEARLAKE

SET NO.: ONE

PRELIMINARY STATEMENT

The following responses herein are based upon information known by the responding party at this time following a reasonable and good faith effort to obtain such information. Responding party has not completed their investigation of the facts relating to this case. There may be additional persons having knowledge of facts or records containing information which are presently unknown to responding party. Accordingly, additional or different information may be discovered and received which may require the answers and responses to be changed and/or supplemented.

1 RESPONSE TO REQUEST NO. 1:

2 After a reasonable search and diligent inquiry, no documents were located responsive to this
3 request, that has not already been produced pursuant to FRCP 26. Attached as Exhibit A is an inter-
4 office memorandum from Nicole Newton of the Records Department concerning the search for audio
5 records.

6 RESPONSE TO REQUEST NO. 2:

7 After a reasonable search and diligent inquiry, no documents were located responsive to this
8 request, that has not already been produced pursuant to FRCP 26. Attached as Exhibit A is an inter-
9 office memorandum from Nicole Newton of the Records Department concerning the search for audio
10 records.

11 RESPONSE TO REQUEST NO. 3:

12 After a reasonable search and diligent inquiry, no documents were located responsive to this
13 request, that has not already been produced pursuant to FRCP 26. Attached as Exhibit A is an inter-
14 office memorandum from Nicole Newton of the Records Department concerning the search for audio
15 records.

16 RESPONSE TO REQUEST NO. 4:

17 After a reasonable search and diligent inquiry, no documents were located responsive to this
18 request, that has not already been produced pursuant to FRCP 26. Attached as Exhibit A is an inter-
19 office memorandum from Nicole Newton of the Records Department concerning the search for audio
20 records.

21 RESPONSE TO REQUEST NO. 5:

22 After a reasonable search and diligent inquiry, no documents were located responsive to this
23 request, that has not already been produced pursuant to FRCP 26. Attached as Exhibit A is an inter-
24 office memorandum from Nicole Newton of the Records Department concerning the search for audio
25 records.

26 RESPONSE TO REQUEST NO. 6:

27 After a reasonable search and diligent inquiry, no documents were located responsive to this
28 request, that has not already been produced pursuant to FRCP 26. Attached as Exhibit A is an inter-

1 office memorandum from Nicole Newton of the Records Department concerning the search for audio
2 records.

3 RESPONSE TO REQUEST NO. 7:

4 After a reasonable search and diligent inquiry, no documents were found in the police files
5 pertaining to this request that has not already been produced pursuant to FRCP 26. The only dispatch
6 record pertinent to this request would be part of the court file which is in possession of the County of
7 Lake Court Records.

8 RESPONSE TO REQUEST NO. 8:

9 After a reasonable search and diligent inquiry, no documents were found in the police files
10 pertaining to this request that has not already been produced pursuant to FRCP 26. The only dispatch
11 record pertinent to this request would be part of the court file which is in possession of the County of
12 Lake Court Records.

13 RESPONSE TO REQUEST NO. 9:

14 After a reasonable search and diligent inquiry, no documents were found in the police files
15 pertaining to this request that has not already been produced pursuant to FRCP 26. The only dispatch
16 record pertinent to this request would be part of the court file which is in possession of the County of
17 Lake Court Records.

18 RESPONSE TO REQUEST NO. 10:

19 After a reasonable search and diligent inquiry, no documents were found in the police files
20 pertaining to this request that has not already been produced pursuant to FRCP 26. The only dispatch
21 record pertinent to this request would be part of the court file which is in possession of the County of
22 Lake Court Records.

23 RESPONSE TO REQUEST NO. 11:

24 After a reasonable search and diligent inquiry, no documents were found in the police files
25 pertaining to this request that has not already been produced pursuant to FRCP 26. The only dispatch
26 record pertinent to this request would be part of the court file which is in possession of the County of
27 Lake Court Records.

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1 RESPONSE TO REQUEST NO. 12:

2 After a reasonable search and diligent inquiry, no documents were found in the police files
3 pertaining to this request that has not already been produced pursuant to FRCP 26. The only dispatch
4 record pertinent to this request would be part of the court file which is in possession of the County of
5 Lake Court Records.

6 RESPONSE TO REQUEST NO. 13:

7 After a reasonable search and diligent inquiry, no documents were found in the police files
8 pertaining to this request that has not already been produced pursuant to FRCP 26. The only dispatch
9 record pertinent to this request would be part of the court file which is in possession of the County of
10 Lake Court Records.

11 RESPONSE TO REQUEST NO. 14:

12 Objection. This request is vague and overbroad, and protected by FRE 407. Without waiving
13 the objection, see Exhibit B, attached, with redacted portions of the complaint investigation pertaining to
14 the analysis and conclusion of the investigating officers at Bates stamps pg. 46-47, 56.

15 RESPONSE TO REQUEST NO. 15:

16 Objection. This request is vague and overbroad, and protected by FRE 407. Without waiving
17 the objection, see Exhibit B, attached, with redacted portions of the complaint investigation pertaining to
18 the analysis and conclusion of the investigating officers at Bates stamps pg. 46-47, 56.

19 RESPONSE TO REQUEST NO. 16:

20 Objection. This request is vague and overbroad, and protected by FRE 407. Without waiving
21 the objection, see Exhibit B, attached, with redacted portions of the complaint investigation pertaining to
22 the analysis and conclusion of the investigating officers at Bates stamps pg. 46-47, 56.

23 RESPONSE TO REQUEST NO. 17:

24 Objection. This request is vague and overbroad, and protected by FRE 407. Without waiving
25 the objection, see Exhibit B, attached, with redacted portions of the complaint investigation pertaining to
26 the analysis and conclusion of the investigating officers at Bates stamps pg. 46-47, 56.

27 RESPONSE TO REQUEST NO. 18:

28 Objection. This request is vague and overbroad, and protected by FRE 407. Without waiving

1 the objection, see Exhibit B, attached, with redacted portions of the complaint investigation pertaining to
2 the analysis and conclusion of the investigating officers at Bates stamps pg. 46-47, 56.

3 RESPONSE TO REQUEST NO. 19:

4 See Exhibit C, attached. After a reasonable search and diligent inquiry, no other documents were
5 located regarding Robert Chalk.

6 RESPONSE TO REQUEST NO. 20:

7 See Exhibit D, attached. After a reasonable search and diligent inquiry, no other documents were
8 located regarding Ronald Larsen.

9 RESPONSE TO REQUEST NO. 21:

10 See documents attached as Exhibit E.

11 Responding party objects to the production of "complaints" filed against Timothy Celli as
12 overbroad and not likely to lead to the discovery of admissible evidence. Without waiving the objection,
13 a complaint was registered against Sgt. Celli on June 8, 2003, involving an off-duty encounter that
14 involved alcohol. The complainant was of African-American descent; there is no indication that the
15 complainant's race was a factor in the complained-of conduct.

16 RESPONSE TO REQUEST NO. 22:

17 See Exhibit F, attached. After a reasonable search and diligent inquiry, no other documents were
18 located regarding Lt. Michael Hermann.

19 RESPONSE TO REQUEST NO. 23:

20 See responsive documents attached as Exhibit G.

21 Responding party objects to the production of "complaints" filed against Tim Hobbs as
22 overbroad and not likely to lead to the discovery of admissible evidence. Without waiving the objection,
23 the following complaints have been registered against Off. Hobbs in the last 5 years: December 28, 2007
24 - Rude behavior during a traffic stop. The complainant was of Caucasian descent. May 5, 2007- Verbally
25 abusive during traffic stop; false arrest and excessive force during arrest. The complainant was of
26 Caucasian descent. April 26, 2004 - Unprofessional conduct during the investigation of a child custody
27 dispute.

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1 RESPONSE TO REQUEST NO. 24:

2 See responsive documents attached as Exhibit H.

3 Responding party objects to the production of "complaints" filed against T.W. Miller as
4 overbroad and not likely to lead to the discovery of admissible evidence. Without waiving the objection,
5 a complaint was registered against Off. Miller on July 30 and August 27, 2007 for discourteous and
6 unprofessional behavior during traffic stops of the same individual, a person of American Indian descent.
7 November 11, 2007- A complaint was registered against Off. Miller for discourteous behavior during
8 investigation of the residence of a registered sex offender. The complainant was of Hispanic descent.

9 RESPONSE TO REQUEST NO. 25:

10 See responsive documents attached as Exhibit I.

11 RESPONSE TO REQUEST NO. 26:

12 See responsive documents attached as Exhibit J.

13 Responding party objects to the production of "complaints" filed against Officer Sarah Hardisty
14 as overbroad and not likely to lead to the discovery of admissible evidence. Without waiving the
15 objection, a complaint was registered against Off. Hardisty on May 22, 2007 for failure to follow police
16 procedures during the investigation of a 911 hang-up.

17
18 **ORIGINAL VERIFICATION TO FOLLOW**

19
20 Dated: March 14, 2008

21 LOW, BALL & LYNCH

22
23 By 

24 DALE L. ALLEN, JR.
25 DIRK D. LARSEN
26 Attorneys for Defendant
27 CITY OF CLEARLAKE
28

VERIFICATION

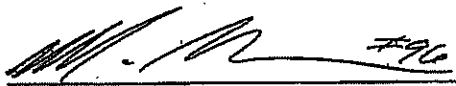
Action: Re: Davis v. Clear Lake Police Department
U.S. District Court for the Northern District of California
Case No. C 07-03365 EDL

I, the undersigned, declare:

I am a representative of the CITY OF CLEARLAKE, which is a party to this action, and am authorized to make this verification for and on its behalf. I have read the foregoing DEFENDANT CITY OF CLEARLAKE'S SUPPLEMENTAL RESPONSE TO PLAINTIFFS' REQUEST FOR PRODUCTION OF DOCUMENTS, AND DOCUMENTS PRODUCED and know its contents. I am informed and believe, and on that ground allege, that the matters stated in it are true.

Executed this 24 day of March, 2008, at CLEARLAKE, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


Lt. Michael Hermann
Clearlake Police Department

PROOF OF SERVICE

**Action: David Davis and Page Gearhart-Davis v. Clearlake Police Department
U.S.D.C./Northern District Case No. C-07-03365 EDL**

I am over the age of eighteen (18) years and not a party to the within action. I am employed at
Low, Ball & Lynch, 505 Montgomery Street, 7th Floor, San Francisco, California 94111.

On the date indicated below, I served the following documents enclosed in a sealed envelope on
the listed addresses:

DOCUMENT: DEFENDANT CITY OF CLEARLAKE'S SUPPLEMENTAL RESPONSE TO
PLAINTIFFS' REQUEST FOR PRODUCTION OF DOCUMENTS, AND
DOCUMENTS PRODUCED

ADDRESSES:

David Davis and Page Gearhart -Davis
P.O. Box 3225
Clearlake, CA 95422
Tel: 707-995-0749; Fax: 707-994-0987
Plaintiffs In Pro Se

☒ **(BY MAIL)** I placed a true copy, enclosed in a sealed, postage paid envelope, and deposited
same for collection and mailing at San Francisco, California, following ordinary business
practices, addressed as set forth below.

☐ **(BY PERSONAL SERVICE)** I caused each such envelope to be delivered by hand to the
addressees noted above or on the attachment herein by _____ Legal Services.

☐ **(BY FACSIMILE)** I caused the said document to be transmitted by Facsimile transmission to
the number indicated after the addresses noted above or on the attachment herein.

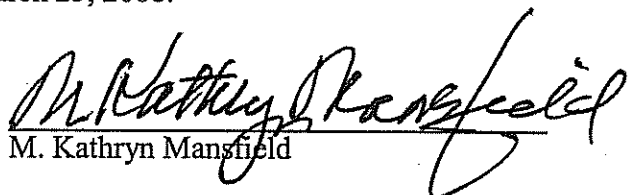
☐ **(BY OVERNIGHT COURIER)** I caused each such envelope addressed to the parties to be
deposited in a box or other facility regularly maintained by the overnight courier or driver
authorized by the overnight courier to receive documents.

☐ **(BY CERTIFIED MAIL/RETURN RECEIPT REQUESTED)** I placed a true copy, enclosed
in a sealed, postage-paid envelope, and deposited same for collection and mailing at San
Francisco, California, following ordinary business practices, addressed as set forth below.

I am readily familiar with this law firm's practice for the collection and processing of documents
for regular and certified mailing, overnight mail, and facsimile transaction, and said document(s) are
deposited with the United States Postal Service or overnight courier depository on the same day in the
ordinary course of business.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at San Francisco, California on March 25, 2008.


M. Kathryn Mansfield